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*Attorneys for Plaintiff
Sentinel Rock Wealth Management, LLC*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Sentinel Rock Wealth Management, LLC, a Nevada limited liability company,

CASE NO: 2:16-cv-01643-MMD-VCF

Plaintiff.

vs.

Kenneth R. Hartley; Erisey Wealth Management, L.L.C., an Arizona limited liability company,

**STIPULATED PROTECTIVE
ORDER RE COX
COMMUNICATIONS**

Defendants.

This matter came before the court on the stipulation for entry of protective order re

Cox Communications. The court finds as follows:

1. On November 1, 2016, counsel for Plaintiff caused a subpoena to be issued to the custodian of records for Cox Communications Arizona LLC (“Cox AZ”) for records that include the following:

a. All email sent and received from and to the address, joemoneyaz@cox.net, and any other email addresses for the subscriber owning the cable, telephone, internet service account for the email address, joemoneyaz@cox.net, and/or Kenneth Hartley, members of the Kenneth Hartley family or household, Erisey Wealth Management, LLC, or any business entity known to be owned or controlled by Kenneth Hartley, during the time period May 1, 2014 through May 31, 2017 (collectively, “Cox Emails”).

b. The telephone records of all phone calls made or received by Kenneth Hartley, during the time period May 1, 2014 through May 31, 2017 (“Cox Phone Records”).

(collectively, “Subpoenaed Documents”).

2. On November 9, 2016, Mr. Hartley objected to the production claiming that it was overbroad and intrusive.

3. The production of the Subpoenaed Documents requires consent under the Stored Communications Act, 18 U.S.C. § 2701 et seq.

4. The parties have agreed to narrow the scope of the subpoena to Subpoenaed Documents more likely to be directly relevant to the claims and defenses, but do not yet know whether search results will yield an unacceptable quantity (too great or too small) of results, as set forth in this order.

Based upon the foregoing findings, the parties' stipulation, and subject to the provisions of the court's protective order entered on December 1, 2016 [ECF No. 20], and good cause appearing,

IT IS ORDERED as follows:

A. Defendant Hartley's consent as originator, addressee or intended recipient of electronic communication is given and hereby acknowledged under 18 U.S.C. § 2702(b)(3) as to the Cox Emails. Defendant Hartley's consent as customer and subscriber under 18 U.S.C. § 2702(c)(2) is given and hereby acknowledged as to the Cox Phone Records.

B. Cox AZ, together with CoxCom, LLC; Cox Advanced Services Arizona, LLC; Cox Arizona Telcom, LLC; Cox Business Services, LLC; Cox Data Center, LLC; Cox Media, LLC; Cox Search, Inc.; Cox Shared Services, LLC; Cox TMI Wireless, LLC; Cox Wireless Access, LLC (collectively, “Cox Entities”) shall produce the Cox Emails that are within the scope of the Cox Emails and which contain the following terms, either in the body of the Cox Emails, in the subject line, or in the addressee, sender, carbon copy or blind copy fields of the Cox Emails: [“joemoneyaz@cox.net”](mailto:joemoneyaz@cox.net); “joemoney”; “joemoneyaz”; “breach”;

“compete”; “competition”; “non-compete”; “non-competition”; “solicit”; “solicitation”; “non-solicit”; “non-solicitation”; “Erisey”; “resign”; “resignation”; “LPOA”; “power of attorney”; “power-of-attorney”; “POA”; “attorney-in-fact”; “attorney in fact”; “Beacon”; “Meadows”; “Bennett”; “Blankenburg”; “Blyth”; “Shelley”; “Fox”; “Gannatti”; “Noel”; “Navellier”; “Schott”; “Serio”; “Sparks”; “Toledo”; “Treacy”; “Walsh”; “Becker”; “Benjes”; “Hale”; “Lipkind”; “Nejork”; “Navon”; “Serio”; “Steinberg”; “Thomakkara”; “Rilus”; “Vlad”; “Rossi”; “Andresen”; “Marchesi”; “Moretti”; “Regal”; “Flynn”; “Davenport”; “Robichaud”; “Alta-Trust”; “Ponder”; “Salt River”; “Johnson”; “Wolfpoint”; “Levanti”; “Kadish”; “Reichman”; “Halopoff”; “Symcox”; “Davey”; “Melich”; “Riley”; “Lenz”; “Frydenlund”; “Ernst”; “Brutinel”; “Lewis”; “Merhege”; “pipeline”. The search terms will be “non-case-specific,” meaning that the search will be conducted in such a way as to capture results whether a letter of a search term is capitalized or not.

C. The search terms above are without prejudice to Plaintiff’s further request for additional searches in the event that the searches result in no or reasonably too few results. Upon motion and showing of cause, the Plaintiff may move to modify this order to include a greater number of search terms.

D. The Cox Entities shall produce all Cox Phone Records and all Cox Emails with search terms (collectively referred to as “Cox Records”) within twenty-one (21)

1 days of receipt of a copy of this order by any medium, including email. The Cox
2 Entities may interpose an objection to this order as if being re-served with the
3 original subpoena.
4

5 E. The Cox Entities shall produce the Cox Records to FRONTEO at 111 West
6 Monroe Street, Suite 1120, Phoenix, AZ 85003, to the attention of Steve
7 Thompson (the “**Vendor**”). If the total number of emails are 1,000 or less, the
8 Vendor shall prepare and produce the records in individual bates-numbered
9 electronic, searchable PDFs (with each attachment numbered so they follow
10 directly behind their parent email) along with a spreadsheet capturing the
11 following fields for all emails produced: beginning bates, ending bates, family—
12 beginning bates, family—ending bates, from, to, cc, bcc, subject, filename, file
13 extension, date sent, time sent, date created, time created, date last modified, time
14 last modified. If the total number of emails are more than 1,000, the Vendor shall
15 contact the parties and inform them of the estimated number of emails. The
16 Parties will meet and confer regarding the appropriate format for disclosure and
17 jointly instruct the Vendor.
18

19 F. The Vendor shall produce as set forth above to Defendants’ counsel, Molly
20 Rezac, Ogletree Deakins, at its Las Vegas office located at 3800 Howard Hughes
21 Parkway, Suite 1500, Las Vegas, NV 89169, so that a privilege review may be
22 conducted. Upon receipt, Defendants’ counsel shall have thirty (30) day within
23

1 which to conduct the privilege review. Once the privileged review is completed,
2 Defendants' counsel shall disclose all non-privileged documents to Plaintiff's
3 counsel together with a privilege log of any documents withheld. Plaintiffs shall
4 pay the Vendor for all costs incurred in relation to this subpoena. .

5
6 G. The Cox Entities shall be entitled to payment of costs by the Plaintiff as required
7 by law, specifically, 18 U.S.C. § 2706.

8 H. The court reserves jurisdiction to modify, vacate and enforce this order against
9 parties and the Cox Entities.

10 DATED this 10 day of November, 2017.

11 LAGOMARSINO LAW

12 /s/ Andre M. Lagomarsino, Esq.

13 Andre M. Lagomarsino, Esq.
14 3005 W. Horizon Ridge Pkwy., Ste. 241
15 Henderson, Nevada 89052

16 DATED this 10 day of November 2017.

17 CLARK HILL PLC

18 /s/ Ryan J. Lorenz

19 Ryan J. Lorenz, Esq.
20 14850 North Scottsdale Road, Suite 500
21 Scottsdale, Arizona 85254
22 Attorneys for Plaintiff

DATED this 10 day of November, 2017.

OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C.

/s/ Molley M. Rezac

Molly M. Rezac, Esq.
Marcus B. Smith, Esq.
3800 Howard Hughes Parkway, Ste. 1500
Las Vegas, Nevada 89169
Attorneys for Defendants Kenneth Hartley,
and Erisey Wealth Management, LLC

23 IT IS SO ORDERED:

24 
UNITED STATES MAGISTRATE JUDGE
25 DATED: 11-13-2017